

Lavenham Neighbourhood Plan 2 2023 - 2037

**Report by Independent Examiner to Babergh District
Council**

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Summary and Conclusion

1. The Lavenham Neighbourhood Plan 2 is based on four themes: responding to the climate change emergency; a flourishing community, sustainable and resilient; protecting our heritage and landscape; and movement of people and vehicles.
2. An indicative housing figure of a minimum of 118 dwellings is advised by Babergh District Council. As of 31 March 2022, 113 dwellings have either been completed or committed. The Plan seeks to focus new housing development within the settlement boundary. The Plan does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that reference to a community preference of residential schemes no larger than 12 units is deleted from the policies. Nevertheless, I have suggested that supporting text refers to the community preference whilst recognising that in order for the Plan to contribute towards sustainable development, there may be instances where a greater number of dwellings will be appropriate. I have recommended that Rural Exception Sites should be well connected to the village. In addition, I have recommended the deletion of Policy LAV 34 and the deletion of Lavenham Railway Walk as a Local Green Space.
4. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Lavenham Neighbourhood Plan 2 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Lavenham Neighbourhood Plan 2, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 2 September 2013 Babergh District Council (BDC) approved that the Lavenham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The Area covers the whole of the Parish of Lavenham.
7. The Lavenham Neighbourhood Plan (LNP1) was made in September 2016. I had the pleasure of examining that Plan in 2016.

8. The qualifying body is Lavenham Parish Council. The Plan has been prepared by the Lavenham Neighbourhood Plan 2 Revision Group on behalf of the Parish Council. The Plan covers the period 2023 to 2037. This is an extension to the end date of the original plan, which was 2031.
9. I was appointed as an independent Examiner for the Lavenham Neighbourhood Plan 2 in July 2023. I confirm that I am independent from the Parish Council and BDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

10. Local communities with made neighbourhood plans can modify their plans at any time, although they are not required to do so. The nature of any proposed modifications will affect the process that the neighbourhood plan will need to go through when being reviewed.
11. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 makes provision for the modification of neighbourhood plans.
12. National Planning Practice Guidance (PPG) Paragraph 106 (Reference ID: 41-106-20190509) explains that there are three types of modification which can be made to a neighbourhood plan' and that the process will depend on the degree of change which the modification involves. These are:
 - Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan.
 - Material modifications which do not change the nature of the plan would require examination but not a referendum.
 - Material modifications which are so significant or substantial as to change the nature of the plan which the modification proposal would modify.
13. The qualifying body and local authority need to state whether they believe the modifications are so significant or substantial as to change the nature of the plan and provide the reasons why.
14. Where material modifications do change the nature of the plan, the local planning authority would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan. A decision may be made whether to proceed to referendum so that, if the referendum is successful, the neighbourhood plan becomes part of the development plan. (PPG 085a Reference ID: 41-085a-20180222).
15. Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing

plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority. (PPG Paragraph: 086 Reference ID: 41-086-20190509).

16. In a Modification Proposal Regulation 15 Statement dated April 2023, the Parish Council as Qualifying Body considered that because of a number of changes, including a revised vision, that changes would be material modifications that change the nature of the Plan.
17. BDC has made a determination in accordance with Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended). It explains: *taken as a whole, BDC are of the opinion that while LPN2 carries over and updates many policies from LPN1, the changed emphasis on responding first and foremost to the climate change emergency, and the cumulative other amendments are sufficient enough to alter the Plan such that it would require both examination and, subject to the recommendations of that exercise, a new referendum.*
18. I am required to determine whether the modifications change the nature of the Plan. I have taken into consideration the nature of the existing plan, alongside representations and the statements on the matters made by the qualifying body and the local planning authority. In this particular instance, the vision proposed in the Lavenham Neighbourhood Plan 2 is a different approach to that contained in the made Plan. In particular, there are a number of new policies with regard to climate change. The modifications propose altering the Plan period. There is a revised settlement boundary. Local Green Spaces have been identified. These and other modifications combined have led me to conclude that these are material modifications which are so substantial as to change the nature of the plan.
19. I informed the Parish Council of my conclusion in an email dated 12 September 2023. The Parish Council confirmed that it wished to proceed with the examination.
20. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

21. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
22. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*
- 1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*
23. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
24. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

25. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
26. The *Lavenham Neighbourhood Plan 2023 SEA Screening Opinion* was prepared by Land Use Consultants in October 2022. It concluded that the Plan *is unlikely to have significant environmental effects and that full SEA is therefore not required*. Historic England and Natural England concurred with this conclusion.
27. BDC prepared the *Lavenham Neighbourhood Plan 2 2023 Draft Strategic Environmental Assessment Screening Determination* in February 2023. It determined: *In the light of the SEA Screening Opinion (October 2022) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Lavenham Neighbourhood Plan 2023 does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004*.
28. I note that Policy LAV 31 was not subject to SEA screening. Both LUC and BDC were of the view that this policy did not trigger the need for full SEA.
29. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
30. As regards Habitats Regulations Assessment (HRA), the *Lavenham Neighbourhood Plan 2023 Habitats Regulations Assessment Screening Report* was prepared by Land Use Consultants in October 2022. It concluded: *At the screening stage of HRA, no likely significant effects are predicted on European sites, either alone or in combination with other policies and proposals. An Appropriate Assessment is not required for the Lavenham Neighbourhood Plan 2023 as none of the policies will result in development and likely significant effects from the plan can therefore be ruled out*. Natural England had no detailed comments to make on the HRA.
31. BDC prepared a *Lavenham Neighbourhood Plan 2 2023 Draft Habitats Regulations Screening Determination* in February 2023. It determined: *In light of the HRA Screening Report (October 2022) prepared by LUC, and the response to this from the statutory consultee, it is determined that the Lavenham Neighbourhood Plan 2023 is 'screened-out' for further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required*.
32. Policy LAV 31 was not subject to HRA screening. Both LUC and BDC were of the view that this policy did not trigger the need for full HRA.

33. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
34. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

35. The *National Planning Policy Framework* (NPPF) (19 December 2023) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
36. I have examined the Plan against policies in the revised 2023 NPPF. As the Plan was prepared under the 2021 NPPF, and that the revisions relate to Policies LAV 5 and LAV 13 with regard to renewable energy infrastructure, I asked for a further consultation period inviting comments on the effect of the revised NPPF of 5 September 2023 on how the Plan meets the Basic Conditions. A further revision to the NPPF was made on 19 December 2023. I subsequently asked for a further consultation period inviting comments on the effect of the revised NPPF of 19 December 2023 on how the Plan meets the Basic Conditions.
37. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving*

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

38. Lavenham Parish is within the local authority area of Babergh District Council (BDC). During the production of the Plan, the development plan for the Lavenham Neighbourhood Plan 2 Area comprised the saved policies in the Babergh Local Plan Alteration No. 2 (2006), The Babergh Local Plan 2011 – 2031 Core Strategy and Policies (Core Strategy) (2014) and the Lavenham Neighbourhood Plan (2016).
39. BDC with Mid Suffolk District Council published a new Joint Local Plan Pre-Submission (JLP) (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was formally submitted for independent Examination on 31 March 2021. A Consolidated Modifications Document was published for consultation in March 2023. The Planning Inspectorates report on the main modifications to the JLP was issued on 19 September 2023.
40. The Neighbourhood Plan was prepared alongside the emerging Joint Local Plan. Part 1 of the JLP was adopted on 21 November 2023. As the JLP was adopted after the submission of the neighbourhood plan for examination, it was necessary to arrange for a focused consultation period inviting representations on how the neighbourhood plan meets the Basic Conditions with regard to general conformity with the strategic policies in this new Local Plan.
41. The strategic policies in the development plan include policies regarding housing provision, climate change and the conservation and enhancement of the natural and historic environment.

The Neighbourhood Plan Preparation

42. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (as amended).
43. The initial consultation process began with the announcement of the Revision Group in Lavenham Parish Council's Newsletter in December 2020. Newsletters were hand-dropped to households in February and May 2021. Three questionnaires were issued during 2021: one to residents, another to businesses, and a third to planners. The feedback was shared with the village in two public drop-in meetings in November 2021. These were advertised by newsletter and through local Facebook page messages.

44. To encourage attention from an identified 'missing' age group of young parents, the Revision Group installed a banner for display at the Recreation Ground on Bridge Street Road in December 2021.
45. In September 2022 there was informal engagement with a number of stakeholders.
46. The consultation period on the pre-submission draft of the Plan ran from 8 December 2022 to 1 February 2023. Households in the Parish received a leaflet advising them of the consultation. In addition, posters were put up on Parish noticeboards and there were Facebook posts. The Neighbourhood Plan Review website was updated. A paper copy of the Plan was available in Lavenham Library. Those unable to access the library could contact the Parish Clerk for alternative provision. A community drop-in session was held in January 2023.
47. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements, and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to continue with the production of the revision Plan during the challenging times of the pandemic.
48. BDC publicised the submission Plan for comment during the publicity period between 3 July and 18 August 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 (as amended). A total of 23 responses were received, including a late response from Historic England, which did not add anything of a material nature to their previous representations. I am satisfied that all these responses can be assessed without the need for a public hearing.
49. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDC web site.
50. A further consultation period was held between 27 November and 11 December 2023 due to the 5 September 2023 revision of the NPPF and adoption of the JLP. Three responses were received, which included a response from the Parish Council. A further consultation period was held between 10 January and 26 January 2024 inviting comments on how the Plan meets the Basic Conditions with regards to the recently published revision to the National Planning Policy Framework (19 December 2023). Seven comments were received, including representations from the Parish Council and BDC. I am satisfied that all these additional responses can be assessed without the need for a public hearing. The comments have been placed on the BDC web site.

51. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Lavenham Neighbourhood Plan 2

52. Background information is provided throughout the Plan and supporting documents. The Plan is based on four themes: responding to the climate change emergency; a flourishing community, sustainable and resilient; protecting our heritage and landscape; and movement of people and vehicles.
53. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as Community Initiatives in this Plan) these have to be clearly differentiated from policies for the development and use of land.
54. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
55. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
56. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
57. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
58. There are references to the emerging JLP throughout the Plan. As that plan has now been adopted, any Local Plan and Core Strategy references will need to be updated. Whilst this is an onerous task, it is necessary to ensure

that the supporting text clarifies how the Plan is in general conformity with strategic policy.

59. **Recommendation: to meet the Basic Conditions, I recommend that all references to the development plan throughout this neighbourhood plan are updated to refer to relevant adopted JLP references.**
60. Paragraphs 1.7 and 4.26 refer to the Neighbourhood Plan being adopted, whereas it should refer to such a plan being 'made'. **I see these as minor editing matters.**
61. Paragraphs 4.19 and 7.13.2 refer to Lavenham as a Core Village as defined in the Local Plan (2014). I sought clarification from BDC regarding the current settlement hierarchy following the adoption of the JLP. In an enclosure to an email dated 6 December 2023, BDC advised that the settlement hierarchy in the former Local Plan no longer forms part of the development plan. BDC has thus advised the following: in paragraph 4.19, we suggest that the reference to '*a Core Village with the Babergh area*' could be removed from the penultimate sentence, and that this and the last sentence be combined as follows:
- "It also has business units, a primary school and pre-school, a dental practice, doctors' surgery, playing fields, a tennis court, and several children's play areas."*
- In paragraph 7.13.2, we simply suggest deleting the following text:
- "which is why it is designated a Core Village under the Local Plan"*
62. **I see the above as minor editing matters.**
63. The glossary refers to the NPPF (2021). This should be altered to the revised NPPF (2023). **I see this as a minor editing matter.**
64. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.
65. Where I find that a policy meets the Basic Conditions, I am satisfied that it has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy.

LAV 1: Climate change mitigation and adaptation

66. Paragraph 157 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that*

contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

67. JLP Policy SP10 requires all development to mitigate and adapt to climate change by: adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding; conforming to the principle of Holistic Water Management; applying existing and innovative approaches to sustainable design and construction; and identifying opportunities, where appropriate, to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives.
68. The above policies are relevant to Policies LAV 1, LAV 2, LAV 3, LAV 4, LAV 5, LAV 6, LAV 7, LAV 11 and LAV 39.
69. JLP Policy LP23, whilst not a strategic policy, specifies sustainable construction and design criteria for residential development and requires non-residential development to achieve a minimum of the British Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard or equivalent. It requires all major developments to submit a Sustainability Design and Construction Statement. This policy assists in the implementation of the strategic policy requirements of JLP Policy SP10.
70. The first paragraph in Policy LAV 1 states that all new development proposals must embed the principles of climate change mitigation and adaption in line with national and Local Plan policy. However, it goes further than JLP Policy LP23 in that it requires a Sustainability Statement for all development. To ensure that there is not an internal conflict in Policy LAV 1, a Sustainability Statement should only be required for major development. This will ensure that the policy is in line with the Local Plan. In addition, in the interest of precision, the Sustainability Statement should be renamed as a Sustainability Design and Construction Statement, in line with JLP Policy LP23.
71. The Plan is accompanied by *The Lavenham Neighbourhood Plan 2 Design Guide 2023*, which includes a Sustainable Homes Checklist. Policy LAV 1 requires the completion of a Sustainability Homes checklist for residential proposals. This is a less onerous requirement than a Sustainability Design and Construction Statement and I am satisfied that such a requirement is justified, having regard to guidance in the Design Guide.
72. For a considerable time, it has not been possible to include technical standards for housing construction in neighbourhood plans. A Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update (13 December 2023) explains that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. *Any planning policies that propose*

local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.

The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

73. I have no robust evidence before me to justify otherwise. In this context, Policy LAV 1 needs to explain that the policy does not require energy efficiency measures beyond those required in building regulations.
74. Subject to the above modifications, modified Policy LAV 1 meets the Basic Conditions.
75. Policy LAV 1 cross refers to Policies LAV 7 and LAV 37. These should be Policies LAV 6 and LAV 38. **I see this as a minor editing matter.**
76. When I sent a draft of this report to the Parish Council for fact checking, they requested an amendment to the proposed second sentence in modified Policy LAV 1 to read as follows: *Whilst not required to do so through this Neighbourhood Plan, development proposals which incorporate energy efficiency measures that go beyond building regulations requirements will be supported.*
77. This goes beyond the scope of fact checking. However, it is clear that Policy LAV 1, in requiring development proposals to embed the principles of climate change mitigation, supports energy efficiency measures that go beyond building regulations requirements. I do consider that the second sentence I have recommended is required in order for this policy to meet the Basic Conditions. Should the Parish Council wish to include their suggested sentence, in addition to, rather than instead of, the second sentence in modified Policy LAV 1, then **I see this as a minor editing matter**, which has no bearing on whether Policy LAV 1 meets the Basic Conditions.
78. **Recommendation: to meet the Basic Conditions I recommend modification to Policy LAV 1 to read as follows:**

Policy LAV 1: Climate change mitigation and adaptation

1. To be supported, all new development proposals must embed the principles of climate change mitigation and adaptation in line with national and Local Plan policy. Development proposals are not required to incorporate energy efficiency measures beyond building regulations requirements.

2. All major development proposals will be expected to be accompanied by a Sustainability Design and Construction Statement that outlines how a scheme:

a. minimises demand for energy through site orientation and design

b. maximises energy efficiency through design; and

c. achieves carbon dioxide reduction through the above measures, and through the incorporation, wherever possible and if applicable, of renewable and low carbon energy sources.

3. The Sustainability Design and Construction Statement should also describe:

a. how the choice of building materials is appropriate. In this respect, restoration and renovation of existing buildings is preferred over new build. Where new build is involved, materials should be prioritised which are reused, reclaimed or natural from the local area or from sustainable sources and that are durable and repairable;

b. the adaptability of the proposed buildings and associated spaces as climate continues to change (e.g. using water more efficiently, reducing overheating, introducing more water efficient fixtures and fittings, greywater recycling, rainwater harvesting, and sustainable drainage systems controlling high levels of rainwater run-off – see Policy LAV 6)

4. For residential proposals, the completion of the Sustainable Homes Checklist (as per Policy LAV 38 and Appendix 3 of this plan) is required.

LAV 2: Achieving zero carbon homes standards

79. Paragraph 164 in the NPPF states: *In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.*
80. Policy LAV 2 strongly supports development proposals which deliver low, zero or carbon negative homes and encourages achievement of operational targets set out in the Design Guide.
81. For the same reasons as explained under Policy LAV 1, whilst Policy LAV 2 can encourage achievement of operational targets set out in the Lavenham

Design Guide, it is not appropriate to require measures that go beyond building regulations. In this context, I have suggested revised wording for Policy LAV 2 in this respect. In addition, to have regard to NPPF paragraph 164, this paragraph should refer to both new and existing homes.

82. Subject to the above modifications, modified Policy LAV 2 meets the Basic Conditions.

83. **Recommendation: to meet the Basic Conditions I recommend modification to the second paragraph in Policy LAV 2 to read as follows:**

2. Whilst not required to go beyond current building regulations requirements, applicants are encouraged to achieve the operational targets for both new and existing homes set out in the Lavenham Design Guide 2023, and as described in the supporting text to this policy.

LAV 3: Improving the environmental performance of our historic and traditional buildings

84. JLP Policy LP25, whilst not a strategic policy, states that where proposals for renewable and low carbon energy impact on *the setting of heritage assets (including conservation areas)*, *the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.* This policy assists in the implementation of the strategic policy requirements of JLP Policy SP10.

85. Policy LAV 3 supports enhancements to the environmental performance of historic and traditional buildings. It includes a list of criteria with regard to the erection of renewable energy technology within the Conservation Area. Whilst that list of criteria is taken from Policy ENV2 in LNP1, that list only referred to solar panels and not other forms of renewable energy technology.

86. Policy LAV 5 below is a specific policy regarding renewable energy and low carbon infrastructure. That policy refers to the need to adhere to other development plan policies. To avoid internal conflict within the Plan, in the interest of clarity I suggest cross reference to both the development plan and Policies LAV 5 in Policy LAV 3.

87. Subject to the above modification, modified Policy LAV 3 meets the Basic Conditions.

88. **Recommendation: to meet the Basic Conditions I recommend modification to the second paragraph in Policy LAV 3 to read as follows:**

Proposals to erect renewable energy technology within the Conservation Area will be supported subject to adherence with Policy LAV 5 and other policies in the development plan and provided the proposal does not have an adverse impact on:

- a. the historic setting of Lavenham;**
- b. the character or appearance of the Conservation Area, including the setting of nearby listed buildings; or**
- c. the key features of the Defined Views into and out of the village.**

LAV 4: Improving the environmental performance of non-traditional buildings

89. Policy LAV 4 supports in principle enhancing the environmental performance of non-traditional buildings and encourages the introduction of water efficiency measures. This policy follows the theme of responding to the climate change emergency. Policy LAV 4 meets the Basic Conditions.

LAV 5: Lavenham renewable energy and low carbon infrastructure

90. Paragraph 161 in the NPPF states: *Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.*
91. Paragraph 163 and related footnote 58 in the NPPF have been revised from that in the 2021 NPPF, with regard to consideration of planning applications for renewable and low carbon development. Footnote 58 states: *except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.*

The Plan was submitted for examination after this 5 September 2023 revision to the NPPF. As the Plan was prepared under the 2021 NPPF, and that the revisions relate to Policies LAV 5 and LAV 13 with regard to renewable energy infrastructure, I asked for a further two - week consultation period inviting comments on the effect of the revised 5 September 2023 NPPF on how the Plan meets the Basic Conditions.

Policy LAV 5 supports in principle standalone renewable energy developments, subject to adherence with development plan policies and

includes restrictions on such developments within the Area of Local Landscape Sensitivity (ALLS). In the ALLS, such developments will only be supported if small scale, where they minimise incursion into the open countryside and respect the setting of the historic environment.

92. The *Lavenham Landscape Character & Sensitivity Assessment 2023* incorporates justification for the ALLS. This provides robust evidence to support the restrictions in Policy LAV 5 regarding the scale and locations of standalone renewable energy developments in this area.
93. I note that Policy LAV 13 contradicts Policy LAV 5 in that Policy LAV 13 does not support standalone renewable energy developments in the ALLS. There is nothing in the background evidence to justify the approach taken in Policy LAV 13. I have suggested modification to Policy LAV 13 below.
94. Whilst the Plan should be read as a whole, in the interest of clarity, Policy LAV 5 should cross refer to Policies LAV 3 and LAV 13.
95. I note representations from the Defence Infrastructure Organisation regarding renewable energy developments. JLP Policy LP25 specifically refers to airfield safeguarding with regard to the location of such developments.
96. Subject to the above modifications, modified Policy LAV 5 meets the Basic Conditions.
97. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy LAV 5 to read as follows:**
- 1. Development proposals involving the creation of standalone renewable energy infrastructure or other infrastructure that will facilitate low carbon living in the Lavenham community will in principle be supported subject to adherence with Policies LAV3, LAV 13 and other policies in the development plan**

LAV 6: Managing surface water flood risk in Lavenham

98. Paragraph 165 in the NPPF seeks to avoid inappropriate development in areas at risk of flooding. Paragraphs 173 and 174 require development proposals to be supported by site-specific flood-risk assessments where appropriate. For some minor development and change of use, they should meet the requirements for these assessments.
99. Policy LAV 6 seeks to manage surface water flood risk. Sustainable Drainage Systems are the preferred method of surface water disposal. This policy has the support of Suffolk County Council as the lead local flood authority. Policy LAV 6 meets the Basic Conditions.

LAV 7: Essential infrastructure for managing and mitigating extreme weather events

100. Policy LAV 7 seeks to identify assets as essential infrastructure in the management and mitigation of extreme weather events and seeks to ensure that they are not harmed with regard to this function. However, Green Infrastructure Assets and trees and vegetation that provide shading in the public realm are yet to be identified. In the interest of precision, a policy cannot protect assets that are not specifically identified, particularly where the significance or importance of their role has not been defined. This does not provide a sound basis for decision making. Therefore, I recommend the deletion of criteria b and c in Policy LAV 7. I have suggested revised wording. I note that these assets are to be identified via a Community Initiative. Once identified, they can be considered for inclusion in a future review of the Plan.
101. Subject to the above modification, modified Policy LAV 7 meets the Basic Conditions.
102. Paragraphs 6.7.1 and 6.7.3 should be amended to accord with modified Policy LAV 7. **I see this as a minor editing matter.**
103. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAV 7 to read as follows:**

Policy LAV 7: Essential infrastructure for managing and mitigating extreme weather events

The existing tributaries to Lavenham Brook (including culverted and open water ways such as alongside Mud Lane) are recognised as essential infrastructure in the management and mitigation of extreme weather events in the parish. Proposals will not be supported if they would result in weakening the climate change resilience of the village as a whole due to harm to these tributaries.

LAV 8: Biodiversity network enhancement and expansion zones in Lavenham

104. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity. One of the principles to protect and enhance biodiversity in Paragraph 186 states: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. These paragraphs are relevant to Policies LAV 8, LAV 9 and LAV 10.

105. JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In addition, all development will be required to protect and enhance biodiversity. This policy is relevant to Policies LAV 8, LAV 9 and LAV 10 and later on in the Plan this policy is relevant to many policies throughout the Plan, particularly Policies LAV 19, LAV 20, LAV 21, LAV 22, LAV 23, LAV 33, LAV 34, LAV 35, LAV 36, LAV 37, LAV 38, LAV 39 and LAV 42.
106. Policy LAV 8 seeks to deliver additional green infrastructure in network enhancement zone 1 and the network expansion zone identified through the Natural England MAGIC mapping tool. Map 5 identifies these zones which extend beyond the Parish. In the interest of clarity, Policy LAV 8 should only refer to those parts of the zones that are within the Parish.
107. Subject to the above modification, modified Policy LAV 8 meets the Basic Conditions.
108. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAV 8 to read as follows:**
109. **Policy LAV 8: Biodiversity network enhancement and expansion zones in Lavenham**
- Proposals coming forward within the network enhancement zone 1 and network expansion zone within the parish (shown on Map 5) or any updated version of this will be expected to demonstrate how opportunities have been taken to deliver additional green infrastructure that enhances existing Sites of Special Scientific Interest (SSSI) and the wildlife that depends on them.**

LAV 9: Lavenham sites of biodiversity value

110. Policy LAV 9 identifies sites of biodiversity value and cross refers to mitigation measures in Policy LAV 10. Proposals involving the loss or deterioration of ancient woodlands will not be supported. Policy LAV 9 meets the Basic Conditions, particularly where it has regard to national policy.

LAV 10: Mitigation hierarchy and delivering biodiversity net gain in Lavenham

111. Policy LAV 10 describes a hierarchy of mitigation and delivery of biodiversity net gain. The hierarchy of mitigation has regard to national policy.

112. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act are coming into force in stages, with the requirement for a minimum of 10% biodiversity net gain coming into force on 12 February 2024 for major developments and on 2 April 2024 for small sites. JLP Policy LP16 requires development to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. Whilst not a strategic policy, JLP Policy LP16 supports the strategic policy requirements of JLP Policy SP09.
113. Policy LAV 10 states that proposals which go beyond the 10% biodiversity net gain requirement to achieve 20% will be particularly supported. Whilst an increase in biodiversity is welcome, I have no robust evidence before me to support this higher figure. Therefore, I have suggested revised wording for the second paragraph in Policy LAV 10.
114. There are certain types of development that are exempt from biodiversity gain. In the interest of clarity, I suggest the addition of a footnote to the second paragraph to explain these exemptions.
115. Subject to the above modifications, modified Policy LAV 10 meets the Basic Conditions.
116. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the second paragraph in Policy LAV 10 to read as follows:**
- Proposals will be required to demonstrate measurable net gains, equivalent of a minimum 10% increase, for biodiversity, and this should be achieved on site wherever possible and in accordance with BS8683:2021 Process for designing and implementing Biodiversity Net Gain (BNG).**
- Appropriate measures for delivering BNG in the parish could include:**
- a. Creating new wildlife corridors which link up with existing sites or corridors (see Maps 5 and 6).**
 - b. The planting of additional trees and hedgerows.**
 - c. The restoration of existing habitats (such as along the Lavenham Brook Corridor - see Map 6) and along Lavenham's extensive hedgerow network – see supporting text); or**
 - d. the creation of new natural habitats.**
- 2)) the addition of a footnote to the second paragraph in Policy LAV 10 to read as follows:**

Certain types of development are exempt from Biodiversity Net Gain, these are: permitted development rights; householder applications; development which only has a ‘de minimis’ impact on habitats; developments undertaken for the purpose of fulfilling the BNG planning condition for another development; high-speed railway network; and certain self-build and custom build developments.

LAV 11: Sustainable life and work patterns in Lavenham

117. Policy LAV 11 seeks the provision of electric charging facilities and secure bicycle storage to facilitate low carbon living. In addition, contributions will be sought towards community-led renewable energy or low carbon infrastructure where appropriate. This policy supports the objective to enable residents to lower their carbon footprint. Policy LAV 11 meets the Basic Conditions.

LAV 12: Broadband infrastructure

118. Paragraph 118 in the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies should support the expansion of electronic communications networks.
119. JLP Policy SP08 supports strategic infrastructure provision including improvements and expansions to electronic communication networks and high-quality digital infrastructure.
120. Policy LAV 12 seeks to ensure the provision of infrastructure for high-speed broadband and supports, in principle, the provision of improved communications infrastructure. Policy LAV 12 meets the Basic Conditions.

LAV 13: A spatial strategy for Lavenham

121. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Planning Policies should support housing developments that reflect local needs, including proposals for community-led development for housing. Paragraph 73 in the NPPF explains that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites. Such sites should be adjacent to existing settlements and proportionate in size to them.
122. Policy LAV 13 is a spatial strategy for the Parish. It defines a new settlement boundary, within which new development should be focused. It

restricts development outside the settlement boundary and supports renewable energy infrastructure outside the settlement boundary subject to criteria. In addition, it states that the community strongly prefers residential development schemes to be no greater than 12 units.

123. In December 2021 Inspectors in the process of examining the emerging JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to addressing matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. BDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the emerging JLP (Nov 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of this indicative number. For Lavenham Parish, this is a minimum of 118 additional dwellings up to 2037, of which there were 98 outstanding planning permissions as of 1 April 2018.
124. Paragraph 7.1.4 in the Plan explains: *as of 31 March 2022, 45 dwellings have since been completed, 21 are under construction and a further 23 are permitted not commenced.* Further detail is provided in Appendix 2. This equates to 113 dwellings.
125. I am required to test the indicative housing figure proposed by BDC. BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. Policy LAV 13 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development.
126. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging JLP Part 2. I have no evidence before me to suggest that the minimum requirement of 118 dwellings for the Parish is not appropriate.
127. Policy SP01 in the adopted JLP seeks to deliver a minimum of 7,904 net additional dwellings in the District over the plan period. Policy SP03 seeks the sustainable location of new development. It identifies settlement boundaries established in the earlier Local Plan, recognising that these will be reviewed as part of the preparation of Part 2 of the JLP. Policy SP03 recognises that development can take place outside settlement boundaries under various circumstances, including where it is in accordance with a made neighbourhood plan. In addition, it recognises that new housing development can come forward through neighbourhood plans.
128. Policy LAV 13 identifies a Settlement Boundary for Lavenham, which represents an up-to-date picture of the settlement's main built form. In these circumstances, I consider that this revised Settlement Boundary is in general conformity with strategic policy, where it recognises that the settlement boundaries are due to be reviewed.

129. Policy LAV 13 restricts development outside the Settlement Boundary. Rural exception sites would be allowed on the edge of the Settlement Boundary where they accord with Policy LAV 17. That policy specifically refers to such sites being situated on the edge of the village where housing would not normally be permitted.
130. The Parish Council made further representations on the adopted JLP. It included revised wording for criteria 2a and 2c. This was primarily due to the adopted JLP Policy SP03 cross referencing to non-strategic policies in the JLP.
131. They suggested criterion 2a in Policy LAV 13 could read: *Rural exception sites that are adjacent to the settlement boundary and well-connected to key services, where community-led and rural exception housing schemes accord with Policy LAV 17 of this Plan.*
132. They suggested criterion 2c in Policy LAV 13 could read: *Replacement dwellings or residential extensions or annexes or conversions, allowed for in the Local Plan, but excluding infill developments.*
133. JLP Policy SP03 cross refers to JLP Policy LP07 with respect to community led and rural exception housing. JLP Policy LP07 requires a Rural Exception Site scheme to demonstrate that it is well connected to an existing settlement and proportionate in size to it. Community-led housing proposals must demonstrate that the scheme was initiated by a legitimate local community group and has general community support. Whilst not a strategic policy, it supports the strategic approach to the provision of affordable housing in JLP Policy SP02. In order to be in general conformity with strategic policy, I consider it necessary for Policy LAV 13 to be modified to refer to Rural Exception Sites that are well connected to the settlement and key services. However, I have no strong evidence to explain the need for such sites to be adjacent to the Settlement Boundary, although for community-led development, this should be adjacent to the settlement, as stated in Paragraph 73 in the NPPF. This will also ensure that Policy LAV 13 contributes towards sustainable development. I will suggest similar wording for Policy LAV 17 below.
134. JLP Policy SP03 cross refers to JLP Policy LP02 with regard to residential annexes and cross refers to JLP Policy LP03 with regard to residential extensions and conversions. The Parish Council has confirmed that it was not the intention of Policy LAV 13 to exclude such developments outside the settlement Boundary. As such, the proposed modification to criterion 2c in this respect is necessary, in the interest of precision.
135. JLP Policy SP03 cross refers to JLP Policy LP01, which supports windfall infill development outside settlement boundaries, where there is a cluster of at least 10 well related dwellings. The Parish Council has confirmed that there are no such clusters outside the Settlement Boundary. Therefore, there is no need for the mention of excluding infill developments in Policy

- LAV 13. My remit is to determine whether the Plan meets the Basic Conditions. If this clause were to be included, it would have no bearing on whether the Plan met the Basic Conditions. Therefore, if the Parish Council wishes to include this clause, **I see it as a minor editing matter.**
136. As mentioned under Policy LAV 5, Policy LAV 13 contradicts Policy LAV 5 in that Policy LAV 13 does not support standalone renewable energy developments in the ALLS. There is nothing in the background evidence to justify the approach taken in Policy LAV 13. Therefore, I have suggested revised wording in the interest of precision and to ensure that there is no internal conflict in the Plan.
137. LNP1 permitted residential development within or adjacent to the built-up area boundary of Lavenham, subject to a list of criteria. To preserve the integrity of Lavenham, the community strongly preferred smaller development schemes of up to 24 units. This was expressed in Policy H1. When I examined that plan, I saw that whilst an upper limit of 24 dwellings was not mandatory, there was a justified reasoning for that approach to prefer such smaller developments, particularly based on the findings of landscape studies. Paragraph 7.3.11 in LNP1 recognised that development would take place outside the built-up area and identified the figure of 24 units following consideration of the number and size of potentially available sites adjacent to the built up area boundary.
138. LNP2 has taken a distinctly different approach to the location of new housing development to LNP1. Market housing outside the Settlement Boundary of the scale acceptable in LNP1 is no longer supported in LNP2, being restricted to predominately exception sites and other residential development that has regard to national policies for a rural location. Therefore, it is not unreasonable to assume that potential residential sites are most likely to be within the Settlement Boundary on brownfield sites and the size of such sites will vary. In these circumstances, in order to achieve sustainable development by making effective use of land, it is not appropriate to restrict community support to schemes no less than 12 dwellings in Policy LAV 13.
139. Paragraphs 7.1.2 and 7.1.3 refer to the community not supporting schemes larger than 12 units. It is clear that there is a strong community preference for schemes not exceeding 12 units, but at the same time, the Plan has to contribute towards sustainable development. For the reasons stated above, I cannot see how such a statement regarding 12 units can be included in Policy LAV 13. I have suggested revised wording for paragraphs 7.1.2 and 7.1.3.
140. I have taken into consideration the *Maximum Size of Residential Schemes* Report (April 2023) evidence base in reaching my conclusion on this matter. The Plan has to be read as a whole. Other policies in the Plan, particularly Policies LAV 35 and LAV 38 together with guidance in the Design Guide, will ensure that development proposals protect and enhance

the distinct character of Lavenham. In these circumstances, the deletion of the reference to community preference for sites of no greater than 12 units in Policy LAV 13 is not going to significantly or substantially alter the spatial strategy for Lavenham.

141. Subject to the above modifications, seeking to focus new development within the settlement boundary in Policy LAV 13 is the correct approach to achieving a sustainable pattern of development in order to contribute towards the environmental objective of sustainable development. In addition, allowing some development outside the settlement boundaries where it accords with national and development plan policies, ensures that modified Policy LAV 13 contributes towards the achievement of sustainable development. In addition, modified Policy LAV 13 has regard to national policy and is in general conformity with strategic policy. Modified Policy LAV 13 meets the Basic Conditions.

142. **Recommendation: to meet the Basic Conditions, I recommend:**

1). modification to Policy LAV 13 to read as follows:

Policy LAV 13: A spatial strategy for Lavenham

1. Proposals within the Lavenham Settlement Boundary defined in Map 7 will be supported provided they accord with other provisions in the development plan (see glossary).

2. Outside the Settlement Boundary, development will be restricted to:

a. Rural exception sites that are well connected to the settlement and key services and community-led developments adjacent to the settlement, where such a scheme accords with Policy LAV 17 of this Plan.

b. Development for agriculture, horticulture, outdoor recreation, essential education infrastructure and other uses that need to be located in the countryside.

c. Replacement dwellings or residential extensions or annexes or conversions, allowed for in the Local Plan.

d. Uses appropriate to supporting a rural economy (rural employment uses) where such uses need to be located in the countryside and where they comply with other provisions in the development plan.

e. Residential development that complies with one or more of the exceptional circumstances set out in paragraph 84 of the National Planning Policy Framework (NPPF) 2023 (see glossary).

3. In addition, standalone renewable energy infrastructure or other infrastructure that will facilitate low carbon living in the Lavenham

community will be supported outside the Settlement Boundary. The following requirements will apply:

a. Landscape mitigation measures to be incorporated to ensure development is sensitively screened and assimilated into its surroundings in line with Policy LAV 35 of this plan;

b. Impacts to the setting of Lavenham's historic core and Lavenham's landscape character to be fully considered, demonstrated through the submission of a Townscape Impact Assessment/Built Heritage Statement as applicable and a Landscape and Visual Impact Appraisal. Proposals which will have an unacceptable impact on heritage assets and landscape character after considering mitigation will not be supported; and

c. Where proposals are located in the Lavenham Area of Local Landscape Sensitivity (see Map 14), they should accord with Policy LAV 5 of this plan.

2). The deletion of paragraphs 7.1.2 and 7.1.3 and their replacement with the following:

The community strongly prefers residential schemes to be no larger than 12 units, but in order for the Plan to contribute towards sustainable development, there may be instances where a greater number of dwellings will be appropriate.

LAV 14: Housing mix – meeting local needs

143. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes. This is relevant to Policies LAV 14, LAV 15, LAV 16, LAV 17 and LAV 18.
144. JLP Policy SP01 states that the mix of tenure, size and type of new housing development should be informed by the relevant District needs assessment, or any local housing needs surveys where relevant. This part of Policy SP01 is relevant to Policies LAV 14 and LAV 18.
145. Policy LAV 14 seeks to ensure a housing mix that meets existing and future needs of the village. Recognising that a requirement for one-bedroom properties has been identified, BDC has suggested that this policy is revised. The Parish Council, in response, has suggested revised wording. This revised wording ensures that the housing mix meets both existing and future needs. In the interest of clarity, I suggest that the first paragraph in Policy LAV 14 is revised as suggested by the Parish Council.

146. Policy LAV 14 refers to encouraging building to M4(2) Building Regulations standard. Whilst neighbourhood plans cannot set additional local technical standards, this policy approach is an encouragement rather than a requirement. As such, accompanying paragraphs 7.2.1, 7.2.2 and 7.2.3 should be modified to clearly explain that this is encouraged and is not a requirement. It is not for me to re-write the Plan. I will leave it to the Parish Council to edit as appropriate.
147. Subject to the above modifications, Policy LAV 14 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy LAV 14 meets the Basic Conditions.
148. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1). modification to the first paragraph in Policy LAV 14 to read as follows:**
- Residential schemes must contribute to meeting the existing and future needs of the village. A mix in the size and type of housing will be required taking into account: the existing population profile (see Chapter Four); the needs of young people, the needs of an ageing population looking to downsize into homes suitable for lifetime occupation and the latest evidence on housing needs.**
- 2). modification to paragraphs 7.2.1, 7.2.2 and 7.2.3 to explain that the building to M4(2) Building Regulations standard is encouraged and is not a requirement.**

LAV 15: Affordable homes

149. JLP Policy SP02 seeks to ensure that affordable housing is integrated with other development. On sites of ten or more dwellings or 0.5ha or more, a contribution of 35% affordable housing will be required on greenfield sites. For brownfield sites a contribution of 25% affordable housing will be required. In exceptional circumstances, where it is convincingly demonstrated that the required provision of affordable housing is not viable, BDC may agree to vary the requirement. This policy is relevant to Policies LAV 15 and LAV 17.
150. Policy LAV 15 requires affordable homes to be tenure neutral and meet BDC's affordable housing requirement unless a financial appraisal finds otherwise. Policy LAV 15 meets the Basic Conditions.

LAV 16: Allocation of First Homes

151. PPG explains that neighbourhood planning groups can apply eligibility criteria for First Homes in addition to the national criteria, such as applying a local connection test. PPG states: *local connections may include (but are not limited to) current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. Authorities should consider the application of these discretions carefully and ensure they do not limit the eligible consumer base to the point that homes become difficult to sell.*
152. PPG goes on to state: *any local eligibility criteria will apply for a maximum of 3 months from when a home is first marketed.* It explains that if a suitable buyer has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria. As such, local eligibility connection criteria will then not apply. (Extracts from Paragraph: 008 Reference ID: 70-008-20210524).
153. The JLP specifically states that it does not address the issue of First Homes.
154. Policy LAV 16 requires First Homes to normally be subject to a strong local connection. BDC has suggested the removal of reference to a *strong* local connection in both this policy and the supporting text for Policy LAV 17. BDC has suggested further revised wording as First Homes are not rented or shared ownership projects. The Parish Council has agreed with their suggested revised wording. However, in order to make sense, it does appear that the remaining reference to a *strong* local connection should be deleted. In the interest of precision, all references to a local connection in both Policies LAV 16 and LAV 17 and their supporting text should refer to a local connection, rather than a strong local connection or, in the case of Policy LAV 17, instead of a local neighbourhood connection.
155. Subject to the above modifications, Policy LAV 16 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy LAV 16 meets the Basic Conditions.
156. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1). modification to Policy LAV 16 to read as follows:**
- Policy LAV 16: Allocation of First Homes**
- 1. Where they are being provided, First Homes, will normally be subject to a local connection, meaning that people with a local connection to the Parish and whose needs are not met by the open market will be first to be offered the chance to buy the property. In this context a local connection means an applicant(s) who satisfies the criteria set out in the supporting text to Policy LAV 17.**

2). modification to paragraphs 7.4.1, 7.5.2 and 7.5.3 to delete ‘strong’ with reference to a local connection.

LAV 17: Affordable housing on rural exception sites

157. Paragraph 82 in the NPPF states: *local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet local needs and consider whether allowing some market housing on these sites would help to facilitate this.*
158. Policy LAV 17 sets criteria for the provision of affordable housing on rural exception sites. For the reasons explained under Policy LAV 13, I have suggested revised wording for the first paragraph of Policy LAV 17 to refer to the location of rural exception sites outside the Settlement Boundary that are well connected to the settlement and key services and the location of community-led developments adjacent to the Settlement Boundary. The Parish Council has suggested the inclusion of reference to community-led developments in Policy LAV 17 as part of the focused review with regard to the December NPPF.
159. Policy LAV 17 refers to small scale developments on rural exception sites of up to 12 dwellings being supported. The Parish Council has subsequently suggested in its response to the BDC Regulation 16 representations that this is modified to explaining that the community strongly prefers schemes of no more than 12 dwellings. When I sent a draft copy of this report to the Parish Council for fact checking they suggested that the new paragraph I recommended to the accompanying text to Policy LAV 13 above be also included as an accompanying paragraph for Policy LAV 17. **I see this as a minor editing matter** which has no bearing on whether Policy LAV 17 meets the Basic Conditions.
160. I realise the sensitive nature of the rural landscape and can see justification for small scale development. However, in order to achieve sustainable development, particularly ensuring that a sufficient number of affordable homes can be provided to meet the needs of present and future generations, it is not appropriate to refer to schemes of less than 12 dwellings within this policy.
161. Criteria in Policy LAV 17, particularly those concerning scale, design and location, will ensure that development proposals protect and enhance the distinct rural character. In these circumstances, the deletion of a reference to sites of no more than 12 units is not going to significantly or substantially alter the intention or nature of the Plan.

162. For the reasons explained under Policy LAV 16, reference to local connection should be amended in the second paragraph in Policy LAV 17. I have suggested revised wording.
163. As the Parish Council has suggested the inclusion of community-led developments and following the revision to the NPPF in this regard, the title of Policy LAV 17 should be modified. I suggest it is *Exception site housing*.
164. Subject to the above modifications, modified Policy LAV 17 meets the Basic Conditions.
165. The Parish Council has suggested that a second sentence is added to paragraph 7.5.1, cross referring to Annex 2 of the NPPF with regard to the definitions of rural exception sites and community-led developments. In addition, the Parish Council has suggested adding these definitions to the Glossary. **I see these as minor editing matters.**
166. The Parish Council has suggested that the second paragraph in paragraph 7.5.5 is updated to read as follows: *The Lavenham Community Land Trust carried out a Local Housing Survey in June 2022. Survey forms went to each of the 950 households in Lavenham. 248 forms were returned from households comprising a total of 500 residents. The survey identified 99 households seeking alternative accommodation, of which 52 needed affordable homes and 47 wanted market homes. I see this as a minor editing matter.*
167. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1). modification to the title of Policy LAV 17 to read as follows:**
- Exception site housing.**
- 2) modification to the first two paragraphs of Policy LAV 17 to read as follows:**
- 1. Proposals for small-scale affordable housing schemes on rural exception sites outside the Settlement Boundary that are well connected to the settlement and key services and community-led developments adjacent to the Settlement Boundary where housing would not normally be permitted by other policies will be supported provided that:**
- a. the proposal by virtue of its size, scale and type will not exceed the identified local need;**
- b. the types of dwellings to be provided are consistent with the needs identified in housing needs surveys undertaken for Lavenham Parish;**

c. they are not significantly damaging to the Defined Views into and out of Lavenham and are not detrimental to the wider Parish landscape;

d. the proposal is appropriate to the size/scale and character of the village, and is acceptable in terms of other detailed considerations such as site location and circumstances, design, layout, materials, landscaping, biodiversity, impacts on the countryside, amenity and access, flood risk etc; and

e. the affordable housing is provided in perpetuity.

2. A local connection criterion will be applied to affordable housing coming forward under this policy. This means people with a local connection to Lavenham Parish, as defined in the supporting text to this policy, and whose needs are not met by the open market will be given priority of allocation (be first to be offered the tenancy or shared ownership of the home).

LAV 18: Supported housing

168. Policy LAV 18 supports proposals for housing with care, subject to criteria. For the same reasons as explained under Policy LAV 13, the reference to a community preference for no more than 12 homes should be deleted.

169. In response to representations from BDC, the Parish Council has suggested revised wording to clarify that this policy only applies to housing for older people. In the interest of precision, I suggest that the policy is modified in as far as is necessary to meet the Basic Conditions. I have suggested revised wording.

170. Supporting Paragraph 7.6.1 refers to the requirement for occupants of the supported housing to meet the needs of people with a local connection as defined in paragraph 7.5.2. This is not listed in the criteria in Policy LAV 18 and thus such a reference should be deleted from paragraph 7.6.1.

171. Subject to the above modifications, Policy LAV 18 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy LAV 18 meets the Basic Conditions.

172. **Recommendation: to meet the Basic Conditions, I recommend:**

1). modification to the title and paragraphs 1 and 2 in Policy LAV 18 to read as follows:

Policy LAV 18: Housing for older people

1. Proposals for housing specifically suitable for older people, which meet the needs of Lavenham residents or those of neighbouring parishes, will be supported where they are:

a. sensitively and environmentally designed, and in accordance with other policies in this Plan

b. designed to accommodate visitor, staff, and resident parking off-street

c. located within the Settlement Boundary (see Map 7).

2. Proposals will be supported where they are of a scale and density suitable to their surroundings. The housing units will also normally be subject to a Planning Obligation under Section 106 of The Town and Country Planning Act 1990, restricting occupation to persons over 60 years of age.

2). The deletion of paragraph 7.6.1 criterion c.

LAV 19: Lavenham local green spaces

173. The NPPF in paragraphs 105 - 107 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

174. I have visited the Parish and seen the Local Green Spaces (LGS) identified in Policy LAV 19. The justification for the designation of the LGS is found in

supporting evidence document *Assessment of Local Green Spaces and Other Open Spaces in Lavenham Parish* (April 2023). I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. Unless stated, these sites are in reasonable proximity to the local community, are local in character and are not extensive tracts of land. Unless stated, I am satisfied that the proposed LGS meet the criteria for designation.

175. My comments on each of the proposed LGS sites are set out below.
176. 1. *Recreation ground on Bridge Street Road*. This is a large area of playing fields and tennis club. Nevertheless, I do not consider it to be an extensive tract of land. It is demonstrably special to the local community, especially for its recreation provision. As the Sports Pavilion and parking area are subject to policy requirements of Policy LAV 25, they should be deleted from the area defined as the LGS recreation ground on Map 8. This will allow for future improvement of these facilities outside the onerous restrictions of LGS designation.
177. 2. *Recreation ground at First Meadow on Brent Eleigh Road*. This recreation area includes an area of children's play equipment. It is demonstrably special to the local community especially for its recreation provision.
178. 3. *The Village Hall recreation ground*. This open green area is demonstrably special to the local community especially for its recreation provision.
179. 4. *Green space at Meadow Close*. This is an area of informal open space within a residential area. It is demonstrably special to the local community especially for its informal recreation provision.
180. 5. *Green space adjacent to Meadow Court with trees*. This is a small area of green space with trees. It is demonstrably special to the local community especially for its biodiversity and visual amenity.
181. 6. *Green space at the Glebe*. This is a small area of green space with trees. It is demonstrably special to the local community especially for its visual amenity.
182. 7. *Green space at Butfield*. This is open space with hedgerow and tree planting providing visual amenity and noise buffering from the road for residents at Butfield. It is demonstrably special to the local community especially for its visual amenity.
183. 8. *Green space at Harwood Place*. This is a linear green area with some trees. It is demonstrably special to the local community especially for its visual amenity.

184. 9. *Green space at Green Willows*. This is a linear green area with some trees and hedgerows. It is demonstrably special to the local community especially for its visual amenity.
185. 10. *Green space at Bears Lane (north)*. This open green area is demonstrably special to the local community because of its visual amenity and informal recreation provision.
186. 11. *Green space at Bears Lane (south)*. This open green area is demonstrably special to the local community because of its visual amenity and informal recreation provision.
187. 12. *Permanent pasture to the west of Potlands Lane*. This area of permanent pasture is part of the rural setting of the adjacent church. It is demonstrably special to the local community because of this setting and because of its biodiversity value.
188. 13. *Green space at Prentice Street car park*. This area is demonstrably special to the local community because of its visual amenity value within the Conservation Area and because of its biodiversity value.
189. 14. *Green space at Spring Street*. This open green area is demonstrably special to the local community because of its visual amenity and informal recreation provision.
190. 15. *Green space at Deacon's Close*. This open green area is demonstrably special to the local community because of its visual amenity and informal recreation provision.
191. 16. *Pond at junction of Bury and Preston Road*. This pond and surrounding grassed area are demonstrably special to the local community because of their visual amenity, informal recreation provision and biodiversity value.
192. 17. *Preston Road play space*. This play space is demonstrably special to the local community because of its visual amenity and informal recreation provision.
193. 18. *Dyehouse Field Wood*. This is an area of local woodland planted and managed by the community. Whilst not specified in the LGS assessment report, it is clear that this area is demonstrably special to the local community because of its biodiversity, visual amenity and informal recreation provision.
194. 19. *Lavenham (Railway) walk*. This area is demonstrably special to the local community because of its biodiversity, and informal recreation provision. It is in reasonable proximity to the local community. It is local in character. However, it does not meet the criteria for designation as LGS as whilst it is narrow, due to its excessive length, I consider it to be an extensive tract of land. Thus, I recommend deletion of this designation from Policy LAV 19 and Map 8. This is clearly an important open area for local people. Suffolk County Council has stated that the Railway Walk is a

public right of way and they have their own protection in national policy. In addition, Policy LAV 23 seeks to protect this public right of way.

195. 20. *The Common (next to First Meadow)*. This common land space is demonstrably special to the local community because of its visual amenity.

196. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the second sentence in Policy LAV 19. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This ensures that the policy meets the Basic Conditions.

197. Map 8 does not sufficiently identify the exact boundaries of the LGS. In the interest of precision, this map should be modified on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose.

198. Subject to the above modifications, Policy LAV 19 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy LAV 19 meets the Basic Conditions.

199. **Recommendation: to meet the Basic Conditions, I recommend:**

1). the deletion of the Sports Pavilion and parking area from the area defined as the Recreation Ground Bridge Street Road on Map 8.

2). the deletion of site 19 Lavenham Railway Walk from the list of LGS in Policy LAV 19 and on Map 8.

3). the deletion of the second sentence in Policy LAV 19.

4). modification to Map 8, on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose.

LAV 20: Other open spaces of value and informal green amenity spaces

200. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This is relevant to Policies LAV 20 and LAV 21.

201. Policy LAV 20 lists Other Open Spaces of Value where their loss will be resisted subject to a number of exceptions. I have seen these open spaces and note their justification for identification as open spaces of value in the evidence base document *Assessment of Local Green Spaces and Other Open Spaces in Lavenham Parish* (April 2023).
202. Policy LAV 20 also applies to existing informal green amenity space in the Parish. In the interest of precision and to avoid internal conflict in the Plan, Policy LAV 20 should make it clear that such areas do not include those identified as LGS.
203. Subject to the above modification, modified Policy LAV 20 meets the Basic Conditions.
204. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy LAV 20 to read as follows:**
- 1. Proposals which lead to the loss or erosion of Other Open Spaces of Value (see Map 9) or existing informal green amenity space in the parish not identified as Local Green Spaces will be resisted unless:**
- a. The proposal will result in overall improvements in streetscape delivering better residential amenity (for example through improving the quality of the landscaping).**
- b. Any loss can be justified through delivering significant community benefits (such as community-led affordable housing for local people, community facilities, better organisation of on-street parking, provision of communal electric vehicle charging facilities, street furniture or shading designed to accommodate climate change) and where this is the subject of meaningful engagement with residents and stakeholders impacted by the proposal.**

LAV 21: New open space provision

205. JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment including networks of green infrastructure.
206. Whilst not a strategic policy, JLP Policy LP32 requires contributions towards infrastructure from developments in accordance with BDC's Infrastructure Delivery Plan. Infrastructure includes the provision of open space. This helps deliver the strategic requirements of JLP Policy SP09.
207. Policy LAV 21 seeks new open space provision alongside new development and in line with the Local Plan. It refers to the Lavenham Design Guide 2023, which includes a helpful checklist to support the strengthening of Lavenham's landscape character.

208. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF. Therefore, in the interest of precision, 'where appropriate' should be inserted in the first and third paragraphs in Policy LAV 21 with regard to open space provision.
209. Subject to the above modifications, modified Policy LAV 21 meets the Basic Conditions.
210. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1). modification to the first paragraph in Policy LAV 21 to read as follows:**
- 1.New open space provision or improvements to existing open space provision will be required alongside new development where appropriate, and in line with the Local Plan (see glossary) requirements. Proposals should also be informed by recommendations about open space provision in the Lavenham Design Guide 2023.**
- 2). modification to the last paragraph in Policy LAV 21 to read as follows:**
- 3. Where the development is too small for on-site provision, a financial contribution to the Local Planning Authority towards existing facilities may be sought where appropriate.**

LAV 22: Market Place

211. Paragraph 102 in the NPPF identifies that access to a network of high-quality open spaces is important to the health and well-being of communities. This is relevant to Policies LAV 22 and LAV 24.
212. Policy LAV 22 supports the enhancement of the amenity value of Market Place, subject to criteria. This is an update of Policy ENV3 in LNP1 and the criteria have not been materially altered. As Market Place is specifically identified on Map 11, I suggest a cross reference to that map is included in Policy LAV 22. **I see this as a minor editing matter.**
213. Paragraph 7.10.2 twice refers to Market Place being a focal point of the village. This would benefit from editing. **I see this as a minor editing matter.**
214. Policy LAV 22 meets the Basic Conditions.

LAV 23: Public Rights of Way network

- 215. Paragraph 104 in the NPPF seeks to protect and enhance public rights of way.
- 216. Policy LAV 23 seeks to protect and enhance the Public Rights of Way network. For the same reasons as explained under Policy LAV 21, 'where appropriate' should be inserted at the end of paragraph 2 in Policy LAV 23.
- 217. Subject to the above modification, modified Policy LAV 23 meets the Basic Conditions.
- 218. **Recommendation: to meet the Basic Conditions, I recommend the insertion of 'where appropriate' at the end of paragraph 2 in Policy LAV 23.**

LAV 24: Allotments

- 219. Policy LAV 24 is an update to LNP1 Policy C4, with a new emphasis on the provision of allotments being actively encouraged. It is pleasing to note that new allotments have recently been provided. Policy LAV 24 meets the Basic Conditions.

LAV 25: Community facilities

- 220. Paragraph 97 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. In addition, amongst other matters, it seeks to guard against the unnecessary loss of valued facilities and services. This is relevant to Policies LAV25, LAV26, LAV 27, LAV 28, LAV 29 and LAV 30.
- 221. The JLP does not have a specific strategic policy with regard to retaining community facilities. Policy SP03 does cross refer to non strategic community facilities policies with regard to development outside settlement boundaries. JLP Policy SP08 requires all development to make provision for appropriate contributions towards community infrastructure. This assessment of community facilities strategic policies is relevant to policies LAV 25, LAV 26, LAV 27 and LAV 28.
- 222. Policy LAV 25 seeks to protect existing community facilities and encourages the provision of additional facilities. Whilst the list of community facilities has been extended, the content of this policy is the same as that in LNP1 Policy C1. LNP1 did not have a policy for sites designated as LGS.
- 223. Some of the sports facilities and play equipment listed as community facilities are also within LGS where restrictions on development are more

onerous than Policy LAV 25. Therefore, to avoid an internal conflict within the Plan the following should be deleted from the list of community facilities in Paragraph 7.13.3: tennis courts and football pitches at the Recreation Ground; and play equipment at First Meadow, Meadow Close, the Recreation Ground and the Halt. I note that the latter is part of the Preston Road play space.

224. I have already recommended under Policy LAV 19 that the Sports Pavilion and car park are removed from the LGS at the Recreation Ground. Thus, they can remain in the list of community facilities in paragraph 7.13.3.
225. Subject to the above modifications to paragraph 7.13.3, Policy LAV 25 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Subject to these modifications, Policy LAV 25 meets the Basic Conditions.
226. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 7.13.3 i), j) and k) to be replaced with:**
- i) On-site car parking provision at the Recreation ground.**

LAV 26: Health facilities and services

227. Policy LAV 26 seeks to retain health care facilities. The content of this policy is the same as that in the first paragraph in LNP1 Policy C5. It continues to have regard to national policy, contribute towards sustainable development, and be in general conformity with strategic policy. Policy LAV 26 meets the Basic Conditions.
228. Paragraph 7.14.2 should refer to the modified title of Policy LAV 18. **I see this as a minor editing matter.**

LAV 27: Existing school site

229. Paragraph 99 in the NPPF seeks to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.
230. Whilst LNP1 Policy C6 supported the relocation of the primary school, Policy LAV 27 does not carry forward such a proposal. I note that capacity at the school is now projected to meet forecast demand. Policy LAV 27 supports development proposals at the existing school site that meet educational needs subject to compatibility with other policies in the Plan. Policy LAV 27 meets the Basic Conditions.

LAV 28: Protecting and supporting public houses in the parish

231. Paragraph 85 in the NPPF seeks to build a strong competitive economy and requires planning policies to help create the conditions in which businesses can invest, expand and adapt. This is relevant to Policies LAV 28, LAV 29, LAV 31 and LAV 32.
232. JLP Policy SP05 seeks to ensure that land used for employment purposes outside of designated strategic employment sites shall be protected for ongoing employment use unless such use is convincingly demonstrated to be unviable. Whilst a public house can be considered a community facility, it is also a place of employment.
233. Policy LAV 28 seeks to resist the loss of public houses and drinking establishments. If an existing use is no longer commercially viable, genuine attempts have to be made to market the premises over a period of at least 12 months. BDC has requested that this period is reduced to 6 months in line with JLP Policies LP10 and LP28. Whilst these are non-strategic policy, they support the strategic policies.
234. I note that the Parish Council wishes to retain the 12-month marketing requirement, explaining that there are the special circumstances of having many historic buildings in Lavenham, the market for which tends to be ponderous. I have not been provided with relevant marketing information. My concern is that in retaining the 12-month marketing requirement, in a District where elsewhere this time period is normally 6 months as specified in a recently adopted JLP, it would be to the detriment of the local economy and thus not have regard to national policy or be in general conformity with strategic policy in this respect. Therefore, I recommend that Policy LAV 28 refers to a marketing period of normally 6 months.
235. Subject to the above modification, modified Policy LAV 28 meets the Basic Conditions.
236. When I sent the draft of this report to the Parish Council for fact checking, they requested the addition of a paragraph after paragraph 7.16.1 to explain the marketing exercise. The paragraph reads as follows: *Six months is generally an appropriate length of time for a marketing exercise. But use of the word 'normally' in this policy (and in Policy LAV 29) is intended to ensure flexibility to vary the length of time upwards or downwards in some cases, where this would be considered helpful in achieving a successful and timely outcome.*
237. This goes beyond the scope of fact checking. However, as I have recommended that both Policies LAV 28 and LAV 29 refer to a marketing period of normally 6 months, the suggested text simply supports the policies. A such, if the Parish Council wishes to include this paragraph, it has no bearing on whether these policies meet the Basic Conditions and **I see this as a minor editing matter.**

238. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAV 28 to read as follows:**

Policy LAV 28: Protecting and supporting public houses in the parish

Development proposals that would result in the loss or otherwise adversely impact the operation of Lavenham’s public houses and drinking establishments will not be supported unless there is clear demonstration that the existing use is no longer commercially viable and that genuine attempts have been made to market the enterprise over a period of normally 6 months, on realistic terms first agreed with the Local Planning Authority.

LAV 29: Protecting and supporting Lavenham’s retail core

239. JLP Policy SP06 supports proposals for main town centre uses in centres that are defined in made neighbourhood plans.
240. Policy LAV 29 seeks to protect and support the retail core defined on Map 11. It is predominately an update of LNP1 Policy C9, with the addition of reference to prior approval proposals.
241. For the same reasons as explained under Policy LAV 28, this policy should refer to a marketing period of normally 6 months as part of evidence that a premises is no longer commercially viable.
242. Subject to the above modification, modified Policy LAV 29 meets the Basic Conditions.
243. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy LAV 29 to read as follows:**

Where planning permission is required, change of use of ground floor shops or services to residential within the core retail area will be resisted unless there is clear demonstration that a shop/service use is no longer commercially viable and that genuine attempts have been made to market the use over a period of normally 6 months, on realistic terms first agreed with the Local Planning Authority.

LAV 30: Visitor facilities

244. Paragraph 88 in the NPPF seeks to support a prosperous rural economy including the provision of sustainable tourism developments. JLP Policy SP07 supports sustainable tourism development.
245. Policy LAV 30 supports and encourages visitor facilities, subject to complying with other policies in the Plan. It is clear that tourism is an

important contributor to the local economy. Policy LAV 30 meets the Basic Conditions.

LAV 31: Land at 47 - 48 Water Street

246. Section 6 of the NPPF supports a prosperous economy.
247. Policy LAV 31 seeks to safeguard land at 47 - 48 Water Street for employment use, whilst recognising that limited residential development may be allowed if needed to make the development viable.
248. JLP Policy SP05 seeks to protect land used for employment purposes for ongoing employment use unless such use is convincingly demonstrated to be unviable.
249. Policy LAV 31 is in general conformity with JLP Policy SP05 where it seeks to protect an existing employment site, but it does not take into account the consideration regarding viability. Thus, to be in general conformity with strategic policy, Policy LAV 31 should include reference to any possible loss of the site for employment purposes needing to demonstrate that employment use on the site would no longer be viable. I suggest similar wording is used to that in JLP Policies LP10 with regard to this matter. Whilst that is a non-strategic policy, it supports the strategic policies.
250. The Lavenham Press Ltd has objected to this policy and has stated in representations that it intends to continue trading from the premises for the foreseeable future. If I were to recommend deletion of the policy, JLP Policy SP05 would still apply. I find no reason to delete Policy LAV 31, but the policy requires modification to ensure that viability will be a consideration if there were to be proposals for any future loss of the site for employment purposes.
251. Subject to the above modification, modified Policy LAV 31 meets the Basic Conditions.
252. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of a third paragraph in Policy LAV 31 to read as follows:**
- 3. Proposals that would lead to the full or partial loss of employment use on the site will be required to demonstrate that the possibility of re-using or redeveloping the land for other employment use has been explored by a period of sustained marketing normally for 6 months on realistic terms first agreed with the Local Planning Authority.**

LAV 32: Support for small business development and home-based workers

253. Paragraph 88 in the NPPF supports a prosperous rural economy. Whilst not specifically referring to small businesses, JLP Policy SP05 seeks to support and encourage sustainable economic growth.
254. Policy LAV 32 supports small businesses and home-based workers. This is predominately an update to LNP1 Policy E2, particularly with the addition of support for serviced hubs for home-based workers. Policy LAV 32 meets the Basic Conditions.

LAV 33: Designated heritage assets and their setting

255. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
256. The NPPF advises at paragraph 205 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
257. Policy LAV 33 seeks to conserve designated heritage assets and their settings. To have regard to national policy, reference should also be made to enhancing heritage assets. I have suggested revised wording.
258. Subject to the above modification, Policy LAV 33 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy LAV 33 meets the Basic Conditions.
259. BDC has suggested the inclusion of a map identifying listed buildings. The Parish Council has responded stating that such a map would be suitable or could be incorporated into Map 7. I am of the opinion that a separate map is preferable. It could also identify the extent of the Conservation Area and the map could be referred to in Policy LAV 33. **I see these as minor editing matters.**
260. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of 'or enhance' after 'conserve' in the first sentence in Policy LAV 33**

LAV 34: Lavenham's non-designated heritage assets

261. Paragraph 209 in the NPPF refers to the need for a balanced judgement in weighing applications that directly or indirectly affect non-designated heritage assets.

262. PPG states:

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723).

263. Policy LAV 34 seeks to protect non-designated heritage assets. Community Initiative 3.2 seeks to compile a definitive list of buildings and structures to be defined as non-designated heritage assets. In the interest of precision, a policy cannot protect assets that are not specifically identified. This does not provide a sound basis for decision making. Therefore, I recommend the deletion of Policy LAV 34. Once identified under Community Initiative 3.2, the non-designated heritage assets can be considered for inclusion in a future review of the Plan.

264. For the above reasons, I recommend the deletion of Policy 34. Paragraph 8.2.1 can remain and moved to supporting text for Policy LAV 33. Paragraph 8.2.2 should be deleted.

265. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy LAV 34 and paragraph 8.2.2.**

LAV 35: Protecting and enhancing landscape character in Lavenham

266. The NPPF, in Paragraph 180 requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes. This is relevant to Policies LAV 35, LAV 36 and LAV 37.

267. Policy LAV 35 seeks to protect and enhance the landscape character. Background justification is found in the Landscape Character and Sensitivity Assessment 2023 (LCSA). This includes a comprehensive

- assessment of different character areas and identifies the Lavenham Area of Local Landscape Sensitivity (ALLS). Development proposals should demonstrate that they have been informed by this assessment.
268. Paragraph 2 in Policy LAV 35 refers to planting being undertaken in accordance with the Suffolk Design Streets Guide. As this is guidance, rather than policy, regard should be had to the guidance rather than there being a requirement to be in accordance with the guidance. I have suggested revised wording.
269. Paragraph 136 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Therefore, to have regard to national policy I have recommended the addition of a new paragraph in Policy LAV 35 to include such a requirement.
270. As regards ALLS, Policy LAV 13 specifies restrictions on developments outside the Settlement Boundary and the first section of Policy LAV 35 specifies that development proposals must be informed by the LCSA. I have already referred to proposals for renewable energy and low carbon infrastructure within the ALLS is in Policies LAV 5 and LAV 13. Paragraph 3 in Policy LAV 35 either repeats other policy requirements or contradicts them (particularly as it does not mention renewable energy and low carbon infrastructure). In the interest of precision, I have recommended revised wording.
271. The area defined as ALLS is partly the former Special Landscape Area to the east of the village. I note that the boundaries for the ALLS include character areas that were judged, in line with accepted sensitivity methodology, to have 'HIGH' sensitivity value, in either landscape or visual terms. I am satisfied from this thorough assessment that the area defined as ALLS is highly sensitive. Some residents have suggested extension to the ALLS. There is no strong evidence before me to support such extension, having taken into consideration the detailed assessment in the LCSA.
272. The very northern part of the ALLS identified on Figure 2.2 in the LCSA is not included on Map 14 in the Plan. In the interest of precision, Map 14 should show the full extent of the ALLS.
273. Subject to the above modifications, modified Policy LAV 35 meets the Basic Conditions.
274. As the LSCA is such an important background document, the Parish Council may wish to consider including it as an appendix to the Plan. **I see this as a minor editing matter.**
275. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy LAV 35 paragraphs 2, and 3 to read as follows (now paragraphs 2, 3 and 4):

2. All development proposals, regardless of location, will be expected to retain or enhance existing features of landscape value (including trees, hedgerows and water features) within the site and work within the context of existing features of landscape value in its wider surroundings. Opportunities should be taken to introduce street trees and planting, particularly where they have been found to be lacking, having regard to guidance in the Suffolk Design Streets Guide or any successor document.

3. Development proposals will be expected to include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

4. Development proposals within the Lavenham Area of Local Landscape Sensitivity (ALLS) as defined on Map 14 should accord with other policies in the Plan. An assessment of landscape and visual impacts (proportionate to the scheme proposed) should demonstrate:

a. that development maintains or enhances the contribution the area makes to the significance of Lavenham's historic core and

b. where available opportunities to deliver positive change (following the recommendations for change management for Rural Character Areas LR1, 4, 7 and 6) set out in Part 1 of the Landscape Character and Sensitivity Assessment 2023 have been taken.

2) modification to Map 14 to show the full extent of the ALLS as identified on Figure 2.2 in the LCSA.

LAV 36: Defined views

276. Policy LAV 36 seeks to ensure that development proposals respect defined views. The justification for protecting these views is found in the LCSA. I have seen these views and recognise their importance to the local community. Policy LAV 36 meets the Basic Conditions.

LAV 37: Protecting and strengthening settlement and landscape character at Lavenham's village gateways

277. Policy LAV 37 recognises the landscape sensitivity of village gateways and seeks to protect and strengthen settlement and landscape character at these gateways. The Plan has to be read as a whole and any development

- proposals in these gateway areas should accord with other policies, particularly the settlement strategy in Policy LAV 13. Supporting text refers to guidance in the LCSA and Lavenham Design Guide.
278. Policy LAV 37 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Policy LAV 37 meets the Basic Conditions.
279. The Key for Map 16 identifies the Settlement Boundary 'as proposed in LNP2'. It can simply refer to the 'Settlement Boundary'. **I see this as a minor editing matter.**

LAV 38: Design and character

280. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
281. Paragraph 132 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
282. The above paragraphs are relevant to Policies LAV 38 and LAV 39.
283. Policy LAV 38 is a general design policy that seeks to ensure new development is informed by the guidance and recommendations in the Lavenham Design Guide 2023. It includes an in-depth analysis of the distinct village character areas. As this is guidance, rather than a policy document, paragraphs 1.b. and 7 in Policy LAV 38 and paragraph 8.6.6 should refer to having regard to the guidance. I have suggested revised wording.
284. With regard to the Design Guide, Policy LAV2 supports the development of zero net carbon homes but does not require such measures. In the Design

- Guide, particularly in paragraphs 5.1.3 and 5.2.9, it is expected that building regulation requirements will be exceeded.
285. As explained under Policy LAV 1 , A Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update (13 December 2023) states that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.
286. As Policy LAV 38 requires development proposals to be informed by the Design Guide, it follows that the Design Guide cannot require building regulation requirements to be exceeded. Therefore, to have regard to national policy, the Design Guide should make this clear. It is not for me to re-write the Design Guide. I will leave this up to the Parish Council to modify the Design Guide where appropriate and amend the quote in paragraph 8.6.6 in the Plan accordingly.
287. Paragraph 8.6.9 does not reflect Policy LAV 38 and thus should be deleted.
288. Subject to the above modifications, Policy LAV 38 meets the Basic Conditions.
289. As the Lavenham Design Guide 2023 is such an important background document, the Parish Council may wish to consider including the whole document as an appendix to the Plan, rather than just the Design Checklists in Appendix 3. **I see this as a minor editing matter.**
290. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to 1.b. in Policy LAV 38 to read as follows:**
- 1. b. Informed by the guidance and recommendations contained in the Lavenham Design Guide 2023, demonstrating regard has been had to these through the completion of the applicable checklists, as provided in Appendix 3 to this plan.**
- 2) modification to paragraph 7 in Policy LAV 38 to read as follows:**
- 7. Applicants for major development proposals are required to actively engage in consultation with the Parish Council and the community, via the provision of a development brief (which should have regard to, as applicable, guidance provided in the LDG and the LCSA, as part of the design process prior to any application being submitted).**
- 3) modification to the Lavenham Design Guide 2023 to make it clear that it is not setting local energy efficiency standards for buildings that go beyond current or planned buildings regulations.**

4) modification to the second sentence in paragraph 8.6.6 by stating that new development should have regard to the principles and guidance in the Design Guide, rather than adhering to the design guide. In addition, the accompanying quote from the Design Guide should be modified as explained in 3) above.

5) deletion of paragraph 8.6.9.

LAV 39: Replacement dwellings and infill sites

291. Policy LAV 39 supports the replacement of dwellings and sub-division of plots subject to a list of criteria.
292. Criterion 1.e. in Policy LAV 39 requires the new replacement dwellings or new dwellings on infill plots to meet or exceed minimum environmental performance criteria. For the reasons explained under Policy LAV 38, this requirement should be deleted from Policy LAV 39. The Plan should be read as a whole and environmental performance is covered in other policies in the Plan, where such measures are supported rather than required.
293. Criterion 2.b. in Policy LAV 39 refers to proposal being in accordance with parking guidance. As this is guidance rather than policy, the criterion should refer to the need to have regard to the guidance. In the interest of precision, I have suggested revised wording.
294. Subject to the above modifications, modified Policy LAV 39 meet the Basic Conditions.
295. As I have recommended the deletion of Policy LAV 34, it follows that reference to that policy is deleted from Policy LAV 39. In addition, reference to Policy 33 in criterion 1.b. should be a reference to Policy LAV 33. **I see these as minor editing matters.**
296. **Recommendation: to meet the Basic Conditions, I recommend:**

1) The deletion of 1.e. in Policy LAV 39

2) modification to 2.b. in Policy LAV 39 to read as follows:

access and parking, having regard to the Suffolk Guidance for Parking (2019) and Suffolk Design Streets Guide or any successor documents.

LAV 40: Traffic movement in the village centre

297. Section 9 of the NPPF promotes sustainable transport. Emphasis is placed on creating safe, secure and attractive places and giving priority first to pedestrian and cycle movements. Paragraph 117 requires all developments that will generate significant amounts of movement to provide a travel plan.
298. JLP Policy SP08 seeks strategic infrastructure provision. Supporting text explains at paragraph 11.01: *it is critical that the strategic and cumulative infrastructure needs are considered and addressed. This approach will then inform how individual developments can contribute and support the delivery of such strategic infrastructure, as well as understanding the more localised and scheme specific infrastructure capacity issues and needs.* The above policies are relevant to Policies LAV 40, LAV 41 and LAV 42.
299. Policy LAV 40 seeks to ensure that new development does not have an adverse effect on traffic movement in the village centre. Paragraph 4 explains mitigation measures can include contributions towards the implementation of Lavenham village core public realm enhancements.
300. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
301. To have regard to national policy, reference to public realm enhancements should include 'where appropriate' with regard to contributions to such enhancements. Subject to this modification, modified Policy LAV 40 meet the Basic Conditions.
302. **Recommendation: to meet the Basic Conditions, I recommend modification to Paragraph 4 in Policy LAV 40 to read as follows:**
- To be supported proposals must either mitigate their impact through on-site measures; or, where appropriate, contribute towards the implementation of Lavenham village core public realm enhancements; or they must demonstrate that there will be no adverse impact on the village centre.**

LAV 41: Planning for active travel

303. Policy LAV 41 is predominately extracted from part of LNP1 Policy D2. It seeks to ensure that development enables and facilitates active travel.
304. For the same reasons as outlined under Policy LAV 39, mobility scooter and cycle storage in 1.d. should have regard to parking guidance rather than be in line with parking guidance. I have suggested revised wording.

Subject to this modification, modified Policy LAV 41 meet the Basic Conditions.

305. **Recommendation: to meet the Basic Conditions, I recommend modification to 1.d. in Policy LAV 40 to read as follows:**

Providing adequate storage space for mobility scooters and similar aides, and secure cycle storage, having regard to guidance in the Suffolk Guidance for Parking (2019) or any successor document.

LAV 42: Development and parking for motorised vehicles

306. Policy LAV 42 requires adequate parking arrangements, with emphasis on a design and landscaped approach. For the same reasons as stated under Policy LAV 41, development proposals should have regard to parking guidance rather than be required to follow parking guidance. I have suggested revised wording to paragraph 1 in Policy LAV 42. Subject to this modification, modified Policy LAV 42 meet the Basic Conditions.

307. **Recommendation: to meet the Basic Conditions, I recommend modification to paragraph 1 in Policy LAV 42 to read as follows:**

308. **Where relevant, development proposals will be expected to include adequate off-street provision (including electric vehicle charging capability) to meet any increased parking needs arising from the proposal. All parking should be provided in line with Local Plan requirements and have regard to the guidance set out in the Suffolk Guidance for Parking (2019) or any successor document.**

Referendum and the Lavenham Neighbourhood Plan Area

309. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
- the Plan as modified by my recommendations should proceed to Referendum; or
- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

310. **I am pleased to recommend that the Lavenham Neighbourhood Plan 2 as modified by my recommendations should proceed to Referendum.**

311. I am required to consider whether or not the Referendum Area should extend beyond the Lavenham Neighbourhood Plan Area. I see no reason

to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

312. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.
313. In response to representations, the Parish Council has stated that it will produce a Policies Map in collaboration with BDC. This would be a valuable addition to the Plan.

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (19 December 2023)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning (General) Regulations (2012)

The Neighbourhood Planning (General) (Amendment) Regulations (2015)

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)

The Neighbourhood Planning Act (2017)

The Planning Practice Guidance (2014)

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Babergh & Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020)

Babergh and Mid Suffolk District Council's Joint Local Plan (November 2023)

The Lavenham Neighbourhood Plan (2016).

Regulation 16 Representations

Lavenham Parish Council's response to Regulation 16 Representations

Suffolk Design Streets Guide (2022) Suffolk County Council

Representations following additional consultation

All Supporting Documentation submitted with the Plan

Examination Correspondence (On the BDC web site)